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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,543	12/28/2004	Tomoki Ushida	122270	2587
25944 7590 11/19/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
HEYI, HEINOK G				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
11/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,543

Applicant(s)

USHIDA ET AL.

Examiner

HENOK G. HEYI

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/14/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 26, 27, 29, 31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 26, 27, 29, 31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/14/2008 have been fully considered but they are not persuasive. Applicant argued the Jiro reference used to reject claims in previous action doesn't teach the limitation that states "the light transmitting resin layer includes an annular convex portion ... an inner part which is extended to inside of the annular convex portion in a radial direction". However, as it is shown in earlier communication, Jiro clearly meets this limitation when stating "An optical information medium laminated stair-like so that it may have at least a two-layer resin layer which is circular and has annular heights in an internal circumference edge and these each resin layer may not cover said annular heights of other resin layers" and Examiner would like to refer applicant to para [0011] and drawings (Figs. 11 and 12, reference character 600) of Jiro reference for further detailed explanation.

In regards to claims 26, 27, 31 and 33, again, Jiro teaches all those limitations. On para [0004], Jiro discloses that the thickness of the inner part of the resin layer is smaller than the outer part and on para [0072] Jiro teaches the annular portion is made in stepwise or stair like shape.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 24, 26, 27, 29, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jiro et al. JP 2002-063736 A (Jiro hereinafter).

Re claim 24, Jiro teaches an optical recording medium (Drawing 1) comprising: a disc-like shaped support substrate (a medium is a disc-like, para [0004]) including an information recording face at least on one side (recording layer front face, para [0004]); and a light transmitting resin layer formed on the support substrate on the information recording face side (transparence resin layer, para [0004]), wherein the light transmitting resin layer includes an annular convex portion projecting in a thickness direction so as to surround a center axis line of the support substrate, an inner part which is extended to inside of the annular convex portion in a radial direction and an outer part which is extended to outside of the annular convex portion in the radial direction, and the annular convex portion, the inner part and the outer part are integrated with each other (an optical information medium laminated stair-like so that it may have at least a two-layer resin layer which is circular and has annular heights in an internal circumference edge and these each resin layer may not cover said annular heights of other resin layers, para [0011] and Figs. 11 and 12, reference character 600).

Re claim 26 and 27, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the resin layer is formed so that a thickness of the inner part is smaller than that of the outer part (transparence resin layer formed with the spin coat method will become thick in the disk periphery section compared with the disk inner circumference section, para [0004]).

Re claim 29, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the annular convex portion is formed in a circular ring shape concentric with the support substrate (the optical information media which is in a circle and has annular heights on the inner circumference edge, para [0011]).

Re claim 31, teaches the optical recording medium according to claim 24 and/or 25, wherein the annular convex portion is formed intermittently in a circumferential direction (the annular heights are exposed to the step side of this stair-like section, para [0072]).

Re claim 33, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the support substrate has a stepwise shape with a step on the information recording face along the annular convex portion (the annular heights are exposed to the step side of this stair-like section, para [0072]).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henok G Heyi/
Examiner, Art Unit 2627

/William J. Klimowicz/
Primary Examiner, Art Unit 2627